

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 1 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARTIN A JONES,

Petitioner - Appellant,

v.

JEFF UTTECHT, Superintendent, Coyote
Ridge Correctional Center,

Respondent - Appellee.

No. 23-1655

D.C. No.

3:22-cv-05371-BJR

Western District of Washington,
Tacoma

ORDER

Before: OWENS and COLLINS, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 5) is granted with respect to the following issue: whether the trial court violated appellant's right to due process by admitting Trooper Johnson's identification of appellant. *See* 28 U.S.C. § 2253(c)(3); *see also* 9th Cir. R. 22-1(e).

The opening brief is due May 29, 2024; the answering brief is due June 28, 2024; the optional reply brief is due within 21 days after service of the answering brief.

The Clerk will serve on appellant a copy of the "After Opening a Case - Counseled Cases" document.

If Jeffrey Uttecht is no longer the appropriate appellee in this case, counsel for appellee must notify this court by letter of the appropriate substitute party within 21 days of the filing date of this order. *See* Fed. R. App. P. 43(c).